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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,929	12/03/2003	Charles R. Bleich	47079-0214P1	4684
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NIXON PEABODY LLP 161 N. CLARK STREET 48TH FLOOR CHICAGO, IL 60601-3213				
EXAMINER				
OMOTOSHO, EMMANUEL				
ART UNIT		PAPER NUMBER		
3714				
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07/09/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/726,929

Applicant(s)

BLEICH ET AL.

Examiner

EMMANUEL OMOTOSHO

Art Unit

3714

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 71-79 and 93-112 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 71-79, 93-112 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 71-79, 93-109 and 111-112 are rejected under 35 U.S.C. 102(e) as being anticipated by Jorasch et al. US Patent No. 7,267,614.
3. Claims 71, 93, 109, 111-112: Jorasch teaches A game button comprising: . at least one variable display capable of presenting a plurality of images thereon (fig 3); and a memory communicatively coupled with the at least one variable display (abstract, fig 4), the memory adapted to store information for producing the plurality of images presented on the display (fig 4, abstract), the memory being associated solely with the game button and not another game button (fig 4). Detecting a player input via a sensor (i.e. a button) located within the button enclosure (col 7:21-31).
4. Claims 72, 94, 103: wherein the stored information is utilized by the at least one variable display of the game button, and the memory does not allow the stored information to be accessed by another game button (col 6:65-col 7:10).
5. Claims 73, 95: wherein the at least one variable display is a liquid crystal display (col 6:47-53).

6. Claims 74, 96, 104: wherein the memory is included in a microcontroller also including a microprocessor, the microcontroller being communicatively coupled to the at least one variable display, the microcontroller being associated solely with the game button, the microcontroller controlling the presentation of the plurality of images on the at least one variable display (fig 4).
7. Claims 75, 97: wherein the microcontroller controls the presentation of the plurality of images on the at least one variable display associated with the game button and does not control the presentation of images on any display not associated with the game button (fig 4, col 6:65-col 7:10).
8. Claims 76, 98, 105: wherein the microcontroller is communicatively coupled to at least one controller selected from a group consisting of a gaming machine controller, a server controller, and a peer gaming machine controller (fig 5).
9. Claims 77, 99, 106: wherein the microcontroller communicates with the controller via a universal serial bus interface (col 8:5-14).
10. Claims 78, 100, 107: wherein the microcontroller is communicatively coupled to a server controller, the microcontroller presenting at least one image on the at least one variable display in response to receiving a transmitted signal from the server controller (col 8:38-54).
11. Claims 79, 101, 108: wherein the plurality of images form a complex animation pattern (fig 3).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 110 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jorasch.

14. Claim 110: Jorasch teaches all the present invention as shown above but fail to specifically teach a legend plate for displaying button game theme artwork to the player wherein the legend plate being mechanically coupled to the chassis. However, to have a legend plate for displaying button game theme artwork to the player wherein the legend plate is mechanically coupled to the chassis is truly up to the designer. This is a matter of design choice well within the skill set of one having ordinary skill in the art.

Response to Arguments

15. Applicant's arguments filed 3/13/08 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EMMANUEL OMOTOSHO whose telephone number is (571)272-3106. The examiner can normally be reached on m-f 10-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EO

/Ronald Laneau/
Primary Examiner, Art Unit 3714
07/07/08